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Jul 11 2024

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 3:23-MJ-70840 MAG
)	
Plaintiff,)	STIPULATION TO CONTINUE PRELIMINARY
)	HEARING DATE AND EXCLUDE TIME AND
v.)	[PROPOSED] ORDER
)	
ADRIAN WEBB,)	
)	
Defendant.)	
)	
)	
)	

The United States, by and through its counsel, Assistant United States Attorney Jonathan U. Lee, and defendant Adrian Webb, by and through his counsel Ed Swanson, hereby stipulate that the preliminary hearing in this matter currently set for July 15, 2024, should be continued to July 30, 2024, at 10:30 a.m.

The parties are engaged in ongoing discussions regarding the case, and require additional time to complete those discussions. The parties anticipate that the continuance and exclusion of time will

1 facilitate their discussions and avoid consumption of the parties' and Court's resources for a preliminary
2 hearing in this matter.

3 For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal Procedure
4 for preliminary hearing, and the date under the Speedy Trial Act by which defendants must be charged
5 by indictment or information, the parties agree that the time period of July 15, 2024, through July 30,
6 2024, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv). The
7 delay results from a continuance granted by the Court on the basis of the Court's finding that: (i) the
8 ends of justice served by the continuance outweigh the best interest of the public and defendant in the
9 filing of an information or indictment within the period specified in 18 U.S.C. § 3161(b); and (ii) failure
10 to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for
11 effective preparation, taking into account the exercise of due diligence.

12 Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act
13 dictate that additional time periods be excluded from the period within which an information or
14 indictment must be filed.

15 IT IS SO STIPULATED.

16
17 DATED: July 11, 2024

/s/

JONATHAN U. LEE
Assistant United States Attorney

18
19
20 DATED: July 11, 2024

/s/

ED SWANSON
Counsel for Adrian Webb

~~PROPOSED~~ ORDER

The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

THEREFORE, FOR GOOD CAUSE SHOWN:

The hearing for preliminary hearing or an arraignment on an information in this matter is continued to 10:30 a.m. on July 30, 2024. The time period from July 15, 2024, to July 30, 2024, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

IT IS SO ORDERED.

DATED: July 11, 2024


HONORABLE THOMAS S. HIXSON
United States Magistrate Judge